

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**TRAVELERS CASUALTY AND
SURETY COMPANY,**

Plaintiff,

v.

Civ. No. 06-297 Erie

**PETER O. SMITH,
CLOYD J. ROSE,
DONALD T. STEINHAUER,
SUSAN R. SMITH,
SHIRLEY A. STEINHAUER,
RITA J. ROSE**

Defendants.

MEMORANDUM ORDER

All Defendants in this action have filed a Motion for a More Definite Statement pursuant to Federal Rule of Civil Procedure 12(e). (Docs. 2, 5 & 6.) Plaintiff has filed a Response opposing the Motions. Federal Rule of Civil Procedure 12(e) states, in relevant part, as follows:

Motion for More Definite Statement. If a pleading to which a responsive pleading is permitted is so vague or ambiguous that a party cannot reasonably be required to frame a responsive pleading, the party may move for a more definite statement before interposing a responsive pleading. The motion shall point out the defects complained of and the details desired.

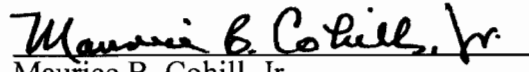
The Defendants complain that a Bond described in the Complaint is not attached.

“The federal rules only require that a pleading ‘be sufficiently intelligible for the court to be able to make out one or more potentially viable legal theories on which the claimant might succeed.’” Murray v. Gencorp, Inc., 979 F.Supp. 1045, 1050 (E.D.Pa. 1997). Federal Rule 8(a)(2) requires that the pleading set forth “a short and plain statement of the claim showing that the pleader is entitled to relief.” Fed.R.Civ.P. 8(a)(2). “Motions for a more definite statement are disfavored, and are generally limited to remedying unintelligible, rather than insufficiently detailed, pleadings.” Briley v. City of Trenton, 164 F.R.D. 26, 30 (D.N.J. 1995). “A motion for more

definite statement is appropriate when necessary to remedy pleadings that are 'so vague or ambiguous that the opposing party cannot respond, even with a simple denial, in good faith or without prejudice to himself.'" Berger Building Productions Corp. v. American Protection Insurance Co., 1997 WL 109606, *1 (E.D.Pa. 1997)(quoting 5A Wright & Miller, *Federal Practice and Procedure: Civil 2d* § 1376 (2d ed. 1990)).

The Complaint is not vague or ambiguous, and Defendants themselves do not claim that it is. Their motions indicate that they do understand the claim and are capable of responding. There is no requirement in the Federal Rules of Civil Procedure that a party must attach a document described in a complaint to the complaint. Accordingly, we will deny Defendants' motions for a more definite statement.

AND NOW, to-wit, this 26th day of March, 2007, it is HEREBY ORDERED, ADJUDGED, and DECREED that Defendants' Motions for More Definite Statement (Docs. Nos. 2, 5 & 6), be and hereby are DENIED.


Maurice B. Cohill, Jr.
Senior United States District Judge

cc: counsel of record